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TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS

Letter No.:

SUBJECT: Implementation of the Federal Deficit Reduction Act of 2005
Requirement to Provide Evidence of Citizenship/U.S. National Status as a
Condition of Medi-Cal Eligibility.

Introduction

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide counties with instructions for implementing the new requirement of the federal Deficit Reduction Act of 2005 (DRA) for documentation of United States (U.S.) citizenship or U.S. national status as a condition of Medi-Cal eligibility for applicants and beneficiaries who declare that they are citizens or nationals.

NOTE: U.S. nationals are individuals born in American Samoa (including Swains Island). For purposes of this ACWDL, any reference to “citizens” should be interpreted as including U.S. nationals. In addition, the citizenship documentation requirements are also applicable to naturalized U.S. citizens.

To comply with the new federal law, counties must ensure that the Medi-Cal record includes satisfactory evidence of U.S. citizenship or U.S. national status and identity for most Medi-Cal applicants and beneficiaries who have declared that they are citizens or nationals of the U.S. Specifically, the new federal law requires that:

Pursuant to federal law, effective July 1, 2006, satisfactory evidence of citizenship/national status and identity must be obtained for:

- Most U.S. citizen/U.S. national applicants at the time of application; and
- Most U.S. citizen/U.S. national beneficiaries at the time of their next annual redetermination on or after July 1, 2006.

Some citizens and nationals are exempt from the new evidence of citizenship requirements as explained below. In addition, the new DRA requirements do not change the documentation or eligibility determination process for individuals declaring as immigrants. The evidence of citizenship and identity requirements described in this letter are not applicable to exempt U.S. citizens and nationals or to immigrants regardless of immigration status.

The new evidence of citizenship/identity requirement is being adopted in accordance with guidance issued on June 9, 2006, and interim final regulations published on July 12, 2006 by the Centers for Medicare and Medicaid Services (CMS), explained in detail below.

Implementing Legislation

Assembly Bill 1807 (Chapter 74, Statutes of 2006) amended Welfare and Institutions Code section 14011.2 to provide authority to implement the new documentation of citizenship/identity requirements of the DRA. The new law requires CDHS to implement the federal evidence of citizenship/identity requirement with as much flexibility as is allowed under federal law and policy. CDHS is to provide for exceptions or alternatives in its implementation of the federal requirement to the extent federal financial participation (FFP) is available. These exceptions or alternatives may include, but are not limited to, using an expanded list of acceptable documentation, relying on electronic data matches for birth certificates, and accepting sworn affidavits when there is good cause for not providing other evidence. The State is also required to give applicants and beneficiaries who are making a good faith effort as much time as federal law and policy will allow; to provide the required evidence of citizenship and identity.

State law requires counties to assist applicants and beneficiaries who are required to provide evidence of citizenship/identity (as explained in detail below). State law further specifies that individuals who have been determined otherwise eligible, but are determined ineligible for full scope Medi-Cal for failing to meet the citizenship/identity requirements within the reasonable opportunity period described below, will receive restricted Medi-Cal (including emergency services, prenatal care and long-term care). State law requires that providing this documentation be a one time occurrence for applicants and beneficiaries and it requires that counties maintain records of receipt of these documents for future use and for inter-county transfers.

Overview of U.S. Citizenship/National Status and Identity

Prior to the enactment of the DRA, documentary evidence to establish U.S. citizenship or U.S. national status was not required unless an applicant declared a birthplace outside the U.S., or if evidence suggested an applicant falsely claimed to be a citizen or national of the U.S. Under the DRA, documentation of U.S. citizenship/U.S. national

status and identity must be obtained for most Medi-Cal applicants who declare that they are citizens or nationals of the U.S. for whom eligibility determinations are made on or after July 1, 2006 (unless they are exempt from the requirement). For current beneficiaries who declared that they are U.S. citizens or nationals (and are not exempt from the new requirement), the documentation of citizenship/identity must be provided at their next annual redetermination, unless acceptable documentation is already in the case file.

Under the federal guidance, new applicants are treated differently from ongoing beneficiaries. New applicants declaring their citizenship who meet all other eligibility requirements are not eligible for Medi-Cal until acceptable documentation of citizenship and identity is provided (in which case they receive full scope Medi-Cal back to the date of application and any retroactive eligibility period) or until they stop making a good faith effort to provide it (in which case they receive restricted Medi-Cal). In either of these circumstances, otherwise eligible new applicants will receive the appropriate level of Medi-Cal benefits back to their original application date and any retroactive eligibility period. Current beneficiaries who are otherwise eligible and are required to provide evidence of citizenship/identity will remain eligible if they are making a good faith effort to provide documents. Otherwise eligible current beneficiaries move to emergency only benefits only if they stop making a good faith effort to provide documents. Applicants or beneficiaries who receive restricted Medi-Cal for failure to provide evidence of citizenship/identity will have their full scope eligibility restored if they provide the required evidence up to one year after their application or redetermination date.

Documentation of citizenship and identity is a **one-time activity**. Once documentation is provided, it will not be collected again, even if the beneficiary moves from one county to another, has a break in aid, etc.

Pursuant to federal guidelines, all documents provided as evidence of citizenship and identity must either be originals or copies certified by the issuing agency. Uncertified copies or notarized copies may not be accepted, except as noted in this letter.

Automated Birth Record Matches

The California Department of Health Services (CDHS) has implemented Medi-Cal Eligibility Data System (MEDS) changes to allow counties to request an automated match against California birth records for clients who were born in California for current beneficiaries as well as new applicants. The department has also run several data matches using data from MEDS, Statewide Client Index and county systems to initiate an automated birth record match for Medi-Cal eligibles and applicants known to MEDS. When a successful match was identified, the citizenship information for these individuals was added to MEDS. Applicants and beneficiaries for whom a matching birth record is

found will have met the citizenship verification portion of this requirement and shall not be required to provide evidence of citizenship. Electronic birth records are considered primary evidence of citizenship of the highest reliability. Counties shall use this system to attempt to obtain birth records for all individuals who do not present acceptable copies of citizenship documentation.

Note: When a valid birth record match was found for child beneficiaries under 16 years of age during the vital records matches conducted by the State, MEDS will be updated to reflect acceptable evidence of citizenship and identity. In these cases, the identity information included in the signed application currently on file, will be accepted as evidence of identity. Therefore, counties will not need to obtain evidence of citizenship or identity from these beneficiaries. **For birth record matches submitted by the county it will be necessary to obtain evidence of identity when that is required in accordance with this letter.**

Who Is Exempt From the Citizenship and Identity Requirements?

Applicants or beneficiaries in any of the following groups are exempt from the citizenship and identity requirements described in this letter:

- Supplemental Security Income (SSI) beneficiaries
- Medicare beneficiaries
- Deemed eligible Infants who are born in the U.S. and who are citizens
- Minor Consent applicants and beneficiaries
- Title IV-E Foster Care and Title IV-E Adoption Assistance children
- Children receiving Title IV-B services
- Infants eligible under the Abandoned Baby Program who are also born in the U.S. and have no documentation.

Title IV-E Foster Care or Adoption Assistance and abandoned babies

As explained above, children receiving Title IV-E foster care or adoption assistance, and infants receiving benefits under the Abandoned Baby Program are exempt from the evidence of citizenship/identity requirements for Medi-Cal eligibility.

Note: U.S. citizen/national Children receiving state funded adoption assistance or foster care benefits are not excluded from these requirements if they want Medi-Cal.

Presumptive Eligibility, Accelerated Enrollment for Children

The new federal requirement to document U.S. citizenship/national status does not apply to individuals who are establishing presumptive eligibility or accelerated enrollment. These programs include CHDP Gateway, School Lunch Program, and the

joint Healthy Families/Medi-Cal application. However, the evidence of citizenship/identity requirements are applicable when their ongoing Medi-Cal eligibility is determined unless they are specifically exempted from these requirements. As noted above, minor consent applicants and beneficiaries, deemed eligible infants and others are exempt from the evidence of citizenship/identity requirements described in this letter.

Bridging Program

A reduction from full to restricted Medi-Cal benefits because the individual cannot provide evidence of citizenship/identity status is not, in and of itself, a valid reason to provide bridging benefits or a referral to Healthy Families. If, however, a beneficiary is receiving restricted Medi-Cal benefits because the individual cannot provide verification of citizenship/identity status, **and** the case receives a share of cost at redetermination, counties must bridge the case at the restricted benefits level and refer the case to Healthy Families.

County Implementation

Federal law requires that the requirements of the DRA related to evidence of citizenship and identity requirements be implemented immediately. The State will work with counties to resolve implementation issues. Counties must provide to all applicants the "Proof of Citizenship and Identity New Requirements for Medi-Cal Applicants (Enclosure 1A) and all beneficiaries the "Proof of Citizenship and Identity New Requirements for Medi-Cal Beneficiaries" (Enclosure 1B). These forms should be included in all Medi-Cal application (MC 210) and redetermination (MC 210RV) packets. These forms explain the evidence of citizenship/identity requirements and includes a list of the hierarchy of documents that applicants and beneficiaries must provide as evidence of citizenship/identity for Medi-Cal eligibility purposes.

Acceptable documents for evidence of citizenship/national status and identity

A. Establishing U.S. citizenship and identity

To establish U.S. citizenship the document must show:

- A U.S. place of birth, or
- That the person is a U.S. citizen or national

Note: Children born in the U.S. to foreign sovereigns or diplomatic officers are not U.S. citizens.

To establish identity a document must show:

- Evidence that provides identifying information that relates to the person named on the document.

B. Documents establishing U.S. citizenship and identity

The federal guidelines defining acceptable evidence of citizenship and identity include a five-tier “hierarchy” of evidence. Tier one (or level one) evidence is the most reliable and establishes both citizenship and identity. Tiers two through four include successively less reliable groups of documentation of citizenship. Tier five includes acceptable documentation of identity only. Anyone who provides evidence of citizenship from tiers two through four must also provide an identity document from tier five to meet the documentation of citizenship/identity requirement. Higher tier documentation of citizenship is considered to be more reliable than lower tier documentation. All of the acceptable citizenship documents in tiers one through four are listed in Table 1 below. All of the acceptable identity documents are listed in Table 2 below.

The federal government has established special rules for proof of identity for children under 16 using affidavits. For children under 16, counties shall accept the family’s signature on the application as proof of identity of the child. Combining this affidavit with either the States or the county’s birth record match, should enable most children to be found to comply with these documentation requirements based on a birth record match and a signature on the application form.

1. Primary documents to establish both U.S. citizenship and identity

Primary evidence of citizenship and identity is documentary evidence of the highest reliability and conclusively establishes that the individual is a U.S. citizen. The county should use available primary documentation of citizenship and identity before using secondary (tier two) documents. Applicants or beneficiaries born outside the U.S. who were not citizens at birth must submit one of the primary documents listed in Table 1.

2. Secondary documents to establish U.S. citizenship

Secondary evidence of citizenship is documentary evidence that is used when primary evidence of citizenship is not available from the applicant or beneficiary. When an applicant or beneficiary provides one of the secondary (tier two) evidence of citizenship documents from Table 1, an identity document from Table 2 below must also be provided. CDHS' electronic verification of birth record information meets the requirement of citizenship documentation. No further citizenship documentation is necessary, however identity will still need to be verified.

3. Third level documents to establish U.S. citizenship

Third-level evidence of U.S. citizenship is documentary evidence that is used when the applicant or beneficiary alleges birth in the U.S. and neither primary nor secondary evidence of citizenship is available. Third-level evidence may be used only when primary evidence cannot be obtained in a reasonable amount of time and secondary evidence does not exist or cannot be obtained. Also, a second document establishing identity (from Table 2 below) must be provided.

4, Fourth level documents to establish U.S. citizenship

Fourth-level evidence of U.S. citizenship is documentary evidence of the lowest reliability. Fourth-level evidence should only be used when it is absolutely necessary to meet the evidence of citizenship requirement. This level of evidence is used only when the applicant or beneficiary alleges birth in the U.S., primary evidence is not available, and both secondary and third-level documentary evidence does not exist or cannot be obtained. Also, a second document establishing identity (from Table 2 below) must be provided.

5. Evidence of identity

When primary evidence of citizenship from tier one (See Table 1) is not available and a document from tiers 2 through 4 is presented, it must be accompanied by an identity document from Table 2 below.

Table 1 – Documents Establishing U.S. Citizenship

Deficit Reduction Act of 2005 Hierarchy of Reliability of Citizenship Documents			
<i>Evidence of Highest Reliability</i> ← -----		-----→ <i>Evidence of Lowest Reliability</i>	
Primary Documents (Tier 1)	Secondary Documents (Tier 2)	Third Level Documents (Tier 3)	Fourth Level Documents (Tier 4)
These documents prove Citizenship and Identity	Must be Provided with Identity Document from Table 2	Must be Provided with Identity Document from Table 2	Must be Provided with Identity Document from Table 2
<ul style="list-style-type: none"> • United States passport issued without limitation • Certificate of Naturalization (DHS Form N-550 or N-570) • Certificate of Citizenship (DHS Form N-560 or N-561) 	<ul style="list-style-type: none"> • U.S. Public Birth Record issued before age 5 ¹ • Certification of Report of Birth (DS-1350) • Certification of Birth issued by the Department of State (Form FS-545 or DS-1350) • Report of Birth Abroad of a U.S. Citizen (FS-240) • U.S. Citizen I.D. Card (Form I-197 or I-179) • American Indian Card (I-872) • Northern Mariana Identification Card (I-873) • Final Adoption Decree² • Evidence of civil service employment by U.S. Government showing employment before 6/1/76 • U.S. Military Record ² 	<ul style="list-style-type: none"> • Extract of a hospital record on hospital letterhead established at the time of birth.^{2,3} • Life or health or other insurance record ^{2,3} 	<ul style="list-style-type: none"> • Federal or State census record showing U.S. citizenship or a U.S. place of birth (Generally for persons born 1900-1950)⁴ • Seneca Indian tribal census record ^{2,3} • Bureau of Indian Affairs tribal census record of the Navaho Indians ^{2,3} • U.S. State Vital Statistics official notification of birth registration ^{2,3} • Amended U.S. public birth record, amended more than 5 years after the person's birth ^{2,3} • Statement signed by the physician or midwife who was in attendance at the time of birth ^{2,3} • Institutional admission papers from a nursing facility, skilled care facility or other institution • Medical (clinic, doctor or hospital) record (excludes immunization records) ^{2,3} • Written Affidavit⁵
<p><i>1 Must show birth in: one of the 50 U.S. States; District of Columbia; American Samoa; Swain's Island; Puerto Rico (DOB on or after 1/13/41); Virgin Islands of the U.S. (DOB on or after 1/17/17), Northern Mariana Islands (DOB after 11/4/86, NMI local time); or, Guam (DOB on or after 4/10/1899).</i></p> <p><i>2 Must show U.S. place of birth.</i></p> <p><i>3 Must have been created at least 5 years before the Medicaid application, unless the applicant is a child under the age of 5.</i></p> <p><i>4 Must show applicant's age.</i></p> <p><i>5 Affidavits should ONLY be used in rare circumstances. An affidavit by at least two individuals of whom one is not related to the applicant/recipient and who have personal knowledge of the event(s) establishing the applicant's/ recipient's claim of citizenship. The person(s) making the affidavit must be able to prove his/her own citizenship and identity for the affidavit to be accepted. A second affidavit from the applicant/recipient or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be obtained.</i></p>			
<p><i>Source: Adapted from: <u>Citizenship Documentation Requirements in the Deficit Reduction Act of 2005: Lessons From New York</u>, Kaiser Commission on Medicaid and the Uninsured (Page 7).</i></p>			

Table 2 – Documents Establishing Identity

Acceptable Evidence of Identity (Tier 5)
<ul style="list-style-type: none">• Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native tribal document (acceptable if the document carries a photograph of the applicant or beneficiary, or has other personal identifying information relating to the individual).• Driver's license issued by a State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color.• School identification card with a photograph of the individual• U.S. military card or draft record• Identification card issued by the Federal, State, or local government with the same information included on driver's licenses• Military dependent's identification card• Native American Tribal document• U.S. Coast Guard Merchant Mariner card• For children under 16, a school record may including nursery or daycare records• An affidavit to establish the identity of children under 16 is only acceptable if it is signed under penalty of perjury by a parent or guardian stating the date and place of birth of the child, and cannot be used if an affidavit for citizenship was provided.• A U.S. Passport issued with limitation.

Obtaining acceptable evidence of citizenship and identity

Counties must accept document(s) provided by applicants and beneficiaries if they are listed in Table 1 or 2 above. Counties must assume that applicants and beneficiaries provided the most reliable available evidence based on the instruction they were provided in the notices given to applicants and beneficiaries (at redetermination) which explain the new requirement. Counties must accept citizenship/identity documents without requiring the applicant or beneficiary to appear in person. Counties must accept acceptable documents submitted in person, by mail, or by a guardian or authorized representative.

Other Citizenship Documents

If an applicant or beneficiary who is otherwise eligible but is unable to provide documentation of citizenship from Table 1 above, provides an original (or certified copy) of a document which the county believes constitutes reliable documentation of citizenship, the county should notify the Department of Health Services Medi-Cal Eligibility Branch analyst assigned to United States citizenship as to the facts of the case and the specifics of the document or documents they received. This information will provide needed feedback in the State's ongoing effort to fashion effective and appropriate policy in this area.

A reasonable opportunity to provide documents

Applicants should submit the application and beneficiaries should submit the redetermination forms even if they have not yet obtained the citizenship or identity documentation and should be given a reasonable opportunity to provide the documents. For applicants and beneficiaries, a "reasonable opportunity" to provide documents is defined as the time required for the applicant/beneficiary to obtain valid documentation of citizenship/identity based on the individual circumstances and ability to obtain that documentation and the applicant/beneficiary's good faith efforts. Applicants are not eligible for full-scope Medi-Cal until they have provided acceptable evidence of citizenship and identity. But, if an applicant is making a good faith effort, provides acceptable documents, and is otherwise eligible, Medi-Cal benefits must be granted from the date of application, including any eligible retroactive months. Beneficiaries who are required to provide citizenship/identity documentation at redetermination will continue to receive Medi-Cal as long as they are otherwise eligible and are making a good faith effort to provide documents.

For applicants, prior to approval of full-scope benefits, counties must obtain evidence of citizenship/identity within the prescribed time limit whenever possible (45 days for applicants who do not need a disability evaluation and 90 days for applicants alleging disability). However, those time limits must be extended to provide applicants with a reasonable opportunity to provide evidence of citizenship/identity if the applicant is making a “good faith effort” to obtain or provide documents.

If an applicant who is making a good faith effort to obtain or provide documentation of citizenship/identity needs additional time, counties must allow a reasonable opportunity period of time. This time should be determined on a case by case basis depending on how much time the applicant needs to obtain the required information. Counties should follow-up with the applicant if the required information is not provided in the time the applicant needs to obtain the required documents. Following up with the applicant is necessary to ensure that acceptable documentation is in the case file as soon as possible or to provide additional time to obtain the document if it is needed. Applicants must provide the required evidence before full-scope Medi-Cal eligibility can be established. Restricted Medi-Cal is only available to otherwise eligible citizens or nationals who for whatever reason, indicate that they will not present the required evidence of citizenship or identity or who stop making a good faith effort to obtain it.

Otherwise-eligible beneficiaries must also be given a reasonable opportunity to provide evidence of citizenship/identity if it is required at redetermination because it had not been provided previously. Current beneficiaries are required to provide evidence of citizenship/identity at their next annual redetermination only if they have not provided acceptable evidence at any time in the past and must be given a reasonable opportunity to provide this evidence. (As explained below, evidence of citizenship/identity is only required once.) For beneficiaries who are required to provide evidence of citizenship/identity as part of their annual redetermination, the time allowed to provide it must be extended as long as they are making a good faith effort, and counties should follow-up after a reasonable period of time to obtain the document or provide additional time if the beneficiary is making a good faith effort. If the documentation has not been provided by the next annual redetermination, the county must contact the beneficiary to determine if a good faith effort continues. If the beneficiary is no longer making a good faith effort, benefits are to be reduced to restricted coverage. **Unlike applicants, otherwise-eligible beneficiaries remain eligible for Medi-Cal during the reasonable opportunity period and shall not have their eligibility terminated or reduced due to failure to provide citizenship or identity documentation if they are making a “good faith effort” to get the documentation.**

Definition of “good faith effort”

An applicant or beneficiary is making a good faith effort if he or she demonstrates effort to obtain and present satisfactory documents to meet the evidence of citizenship requirements including evidence of identity if applicable. Applicants and beneficiaries may provide verbal or written statements of their efforts to obtain evidence of citizenship and identity. Counties must document these efforts in the case file, including the basis for a determination that an applicant or beneficiary is or is not making a good faith effort. Whenever possible, documentation should include dates to indicate how much time the applicant will need to obtain the required documents. This will enable the county to follow up to see if documents have been received or if additional time is needed to obtain them.

Examples of good faith effort include but are not limited to:

- Providing a copy of a request for a document such as, a photocopy of a letter, a copy of an e-mail or a receipt for the requested document from the agency who will issue the document.
- Providing a copy of a document request sent to the appropriate agency or other entity.
- Providing copies of documents along with documentation that an original or certified copy of an acceptable document has been ordered.
- Written or verbal statements of effort to obtain citizenship documentation. (See "Affidavit of Reasonable Efforts to Get Proof of Citizenship" (Enclosure 3) for suggested affidavit format)
- Providing a copy of a check receipt or other documentation indicating that a citizenship or identity document has been ordered.
- A written or verbal update of progress made in obtaining evidence of citizenship or identity.
- A written or verbal explanation of attempts to locate two persons who could attest to applicants/beneficiaries citizenship.

In addition to the suggested evidence of good faith effort listed above, counties must accept and document any reasonable information provided by an applicant or beneficiary which shows that they are trying to obtain the necessary documents. Counties must also consider circumstances in which a person is incapable of taking the steps necessary to obtain the required documents (for example due to incapacity or disability) and must provide reasonable assistance to these individuals in obtaining evidence of citizenship and identity.

Assist applicants and beneficiaries with evidence of citizenship requirements

Counties are required to provide reasonable assistance to applicants and beneficiaries in obtaining evidence of citizenship/identity. Counties are not required to pay for

documents and the State will not reimburse counties for documents purchased on behalf of individuals. Counties are encouraged to assist applicants by directing them to the appropriate agency to obtain the required documents and by allowing them the time they need to obtain it. Counties should work together to assist applicants/beneficiaries in securing or confirming evidence of citizenship/identity available when prior history of public assistance is identified from another California County Welfare Department. This could also be accomplished by establishing county liaisons or utilizing the Inter-County Transfer (ICT) Coordinators list. In addition, counties are required to take the steps identified below, as needed, to assist beneficiaries in providing the required evidence of citizenship and identity when it is required at redetermination.

Assist persons who are incapable of providing evidence of citizenship

The counties must provide heightened assistance to applicants or beneficiaries incapable of acting on their own behalf to provide evidence of citizenship/identity. If the applicant or beneficiary is homeless, an amnesia victim, mentally impaired, or physically incapacitated and lacks someone who can act for the individual and cannot provide evidence of U.S. citizenship or identity, the county must assist the individual in documenting U.S. citizenship and identity.

There are numerous examples of how to assist applicants and beneficiaries required to provide evidence of citizenship and identity. In addition to those examples, counties should do whatever they reasonable can to assist incapacitated individuals. Additional examples include, but are not limited to:

- Contact any known family members who may have citizenship or identity documents for the incapacitated person.
- Contact current or past health care providers such as long-term care facilities to see if they have any of the acceptable evidence.
- Contact other social services agencies within and outside of the county that are known to have provided assistance to the applicant or beneficiary currently or in the past to obtain acceptable evidence.

Special considerations for pregnant women

As explained below, like other Presumptive Eligibility (PE) applicants, pregnant women who are eligible under the PE program are not subject to the evidence of citizenship/identity requirements until they are being evaluated for ongoing Medi-Cal eligibility. However, pregnant women who are not receiving Medi-Cal under the PE program may experience delays in obtaining prenatal care if approval of benefits is delayed due to the evidence of citizenship requirements. In order to ensure that pregnant women receive prenatal care as soon as possible, counties must immediately

advise them about the PE program if they are unable to provide acceptable evidence of citizenship immediately as part of their initial application.

What is reasonable assistance?

Examples of reasonable assistance include, but are not limited to:

- Reviewing and explaining acceptable evidence of citizenship
- Explaining how to provide evidence of good faith efforts to secure documents
- Determining the possible acceptable documents that may be available to the applicant or beneficiary based on his or her individual circumstances
- Provide any resource available that the County has to direct the applicant/recipient to obtain the document such as the name address and telephone number of the vital statistics agency for their State of birth.

The following scenarios are meant to illustrate some of the ways that counties can assist applicants and beneficiaries based on the specific facts of the case. These examples are by no means exhaustive.

Scenario 1--A mother is applying for herself and one child and they are both U.S. Citizens born outside of California. There is a birth certificate for the child but the mother has no birth certificate. The mother has a California Drivers License and on the application she lists a life insurance policy. The Eligibility Worker should determine if the life insurance policy was issued over five years ago and indicates a U.S. place of birth. If yes, the life insurance policy is acceptable evidence of citizenship if the applicant indicates that more reliable evidence is not available. In this case the worker may arrange to view and copy the original life insurance policy as evidence of citizenship for the mother.

Scenario 2—A family applies for Medi-Cal and both parents indicate that they arrived in the U.S. as refugees but have since become naturalized citizens. At the time of application the parents state that they have lost their naturalization papers in a fire. A closed Medi-Cal case record shows alien registration numbers and documents for both parents. The Eligibility Worker may refer them to the closest U.S. Citizenship and Immigration Services office to obtain copies of their naturalization documents.

Scenario 3--A mother applies for herself and two children. All family members were born in California but the mother does not have original birth certificates. The youngest child was born in 2004 while on aid and was deemed eligible to Medi-Cal. The Eligibility

Worker should secure the vital statistic data for the mother and the eldest child by completing the form "Request for California Birth Record" (Enclosure 4). No evidence of citizenship or identity is required for the child who was previously deemed eligible for Medi-Cal.

Scenario 4--A granddaughter is applying for an aged grandmother with Alzheimer's, born in Kansas at home. The granddaughter states that there is no record of birth. After determining there is no other evidence available, the Eligibility Worker will explain what is required to provide an affidavit as evidence of citizenship. Requirements for the affidavit must be met for the citizenship requirement to be met.

Scenario 5--A mother applies for Medi-Cal for herself, her spouse and their three children. All family members were born in the U.S. The family has never been on aid prior to this application. The mother provides the original birth certificates for herself and her three children. She does not have an original or certified birth certificate for her spouse. Eligibility for the mother and her children should be established as soon as possible without waiting for the spouse to provide the required evidence, if all other requirements have been met. When processing the case, the Eligibility Worker counts the father as a member of the MFBU, counts his income and property, and applies all applicable exemptions, allocations, and deductions. Medi-Cal benefits are suppressed for the father.

The spouse was born in Texas. The Eligibility Worker provides the applicant with the name, address and telephone number of the Vital Statistics office in Texas. The applicant shows that they are making a good faith effort by providing a copy of the money order that was used to request the birth certificate. The Eligibility Worker narrates the good faith effort in the case record. The applicant contacts the Eligibility Worker and advises that the birth certificate will take six to eight weeks to arrive. The Eligibility Worker documents the good faith effort in the case file. As soon as the family provides the original or certified birth certificates to the county, full scope benefits are approved based on the original application date including eligible retroactive months. If the certificates are not provided after eight weeks the worker contacts the family to determine if they are still making a good faith effort to obtain documents. If they are still making a good faith effort, they must be given additional reasonable time to obtain the required documents.

Scenario 6--A disabled adult male applies for Medi-Cal at a mental health facility. The applicant states he is a U.S. born citizen but has neither a birth certificate nor any verification of identity as he is homeless. The applicant is not currently capable of providing the evidence of citizenship. The Eligibility Worker asks questions to establish the applicant's place of birth, parent's names and any other data that would assist the county in determining identity and citizenship. The Eligibility Worker follows the

guidelines in Medi-Cal Eligibility Procedures Manual, 4I Diligent Search Procedures, to assist the applicant in securing the necessary documents.

Scenario 7--A hospitalized applicant applies for Medi-Cal with the assistance of a patient advocate. The applicant is a mother with a 19 year-old son living in the home. The son attends continuation school. The applicant states she and her son are U.S. born citizens but has no evidence of her citizenship. The Eligibility Worker reviews the evidence of citizenship requirements with her and explains acceptable documents for evidence of citizenship. The applicant states they have no funds to secure the original document. The advocate, who is acting as the Authorized Representative, states that the applicant has two persons knowledgeable about their citizenship and they are willing to provide affidavits. The Eligibility Worker documents the applicant's circumstances including the unavailability of her birth certificate and gives the applicant time to secure the affidavits.

Specific requirements for assisting applicants

If an applicant returns the application form and is not otherwise exempt from either one or both requirements, the county must check MEDS to determine if the applicant has already provided acceptable evidence of citizenship/identity.

- On the MEDS INQE screen, check the Citizenship Document Type and Identity Document Type fields to determine if citizenship and/or identity have already been verified or if the client is exempt from verification requirements.
1. If the applicant has not already provided acceptable evidence, of citizenship/identity, the county shall do the following:
If citizenship verification is required and there is birth information on the application indicating that the client was born in California, submit that information to MEDS for a state birth records match. If this does not result in a match, attempt to telephone the applicant to obtain additional information outlined in "Request for California Birth Record" (Enclosure 4). Any additional information obtained shall be used to resubmit a State birth records match request to MEDS.
 2. Review county eligibility files and records to identify any evidence of citizenship or identity documents that have already been provided. This review shall include a review of any CalWORKs, Foster Care, IHSS, or Food Stamp files that may exist for the applicant. If copies of evidence of citizenship/identity are included in the CalWORKs, Foster Care, IHSS, or Food Stamp file, it may be acceptable for meeting the Medi-Cal requirements. Counties must accept this evidence for Medi-Cal if it is a document listed in Table 1 (and Table 2 if applicable), and was included in the CalWORKs, Foster Care, IHSS, or Food Stamp file. When

reviewing county case files from other programs for acceptable evidence of citizenship and identity, copies of documents may be accepted by the county if the county believes that the procedure used by the agency initially accepting the documents ensures the documents are originals or certified copies. If documents are determined to contain inconsistent pre-existing information, are counterfeit, or altered, the matter should be referred to CDHS' Audits and Investigations.

3. If a review of MEDS identifies a prior history of public assistance in another county, contact that county to determine if acceptable documentation is available.
4. Attempt to reach the applicant by telephone to advise the applicant as to the need to obtain and present the required documentation.
5. If the applicant fails to respond to the telephone contact or present the required documents, send "Proof of Citizenship or Identity Needed For Medi-Cal Applicants and Beneficiaries" (Enclosure 6) to the applicant that highlights the documentation being requested and informs the applicant to contact the county. The form shall be written in a simple, clear, consumer-friendly manner, and shall explain why the documentation is necessary.
6. If the applicant fails to contact the county within ten days, the county shall make another attempt to reach the beneficiary by telephone to advise the applicant of the need to obtain and present the required documentation.
7. Document in the case file any efforts made to contact and advise the applicant as to the need to obtain and present the required documentation.
8. If an applicant fails to present the required documentation, and is not making a good faith effort to obtain it and all other eligibility requirements have been met, the county shall send a Notice of Action (NOA) to deny full scope eligibility and indicate that the applicant will only be eligible for restricted benefits, (emergency, pregnancy, and long-term care services).

To notify applicants who fail to respond to the telephone contact, counties may use the following text:

"The purpose of this notice is to let you know that you must provide evidence of your United States (U.S.) citizenship/U.S. national status and identity if you want to become eligible for full Medi-Cal benefits. Because of a new federal law, most people who claim they are a U.S. citizen or national and want Medi-Cal must provide proof of citizenship/nationality and identity. Because you have told us you are a U.S. citizen or national, but we don't have evidence of your citizenship/identity in our file, you have to show it to us if you want to receive full Medi-Cal benefits.

If you have a U.S. passport, a Certificate of Naturalization (N-550 or N-570) or a Certificate of Citizenship (N-560 or N-561), that is all you need to show us. If you don't have one of those documents, there are many other documents you can provide (along

with proof of identity) to prove you are a U.S. citizen or national. Your county social services office can give you more information about all of the documents that can prove citizenship and identity. If you don't already have one of the documents, you will be given a reasonable amount of time to get one and the county will assist you if you need help. Please contact the county right away so they know you are trying to give them proof of citizenship/identity. Although we have approved your restricted Medi-Cal benefits, your application for full-scope Medi-Cal benefits will continue to remain open if the county knows you are trying to get proof of citizenship/identity and if you still meet the other eligibility requirements. However, you will not receive full Medi-Cal until you provide the requested documents. If your benefits are reduced because you did not provide evidence of citizenship or identity, we will restore your eligibility back to your date of application if you provide the required evidence up to a year after your application date."

As soon as the required evidence is provided, complete the eligibility determination. If an applicant is making a good faith effort to provide documents, the period of time for completing the necessary contacts and follow up to assist them must be extended. If an applicant/beneficiary is reduced to restricted for failure to provide evidence of citizenship/identity and then provides evidence of citizenship within a year of the application date, restore full scope eligibility back to the application date including up to 90 days of retroactive eligibility prior to the month of application.

Specific requirements for assisting beneficiaries at redetermination

If a current beneficiary returns the annual redetermination form (and is otherwise eligible), but has not provided the required evidence of citizenship and identity documents, the county must check MEDS to determine if the beneficiary has already provided acceptable evidence of citizenship/identity.

- On the MEDS INQE screen, check the Citizenship Document Type and Identity Document Type fields to determine if citizenship and/or identity have already been verified or if the client is exempt from verification requirements.

If the beneficiary has not already provided acceptable evidence, of citizenship/identity, the county shall do the following:

1. If citizenship verification is required and there is birth information in the case file or on the annual redetermination form indicating that the client was born in California, submit that information to MEDS for a state birth records match. If this does not result in a match, attempt to telephone the beneficiary to obtain additional information outlined in "Request for California Birth Record" (

- Enclosure 4). Any additional information obtained shall be used to resubmit a State birth records match request to MEDS.
2. Review county eligibility files and records to identify any evidence of citizenship or identity documents that have already been provided. This review shall include a review of any CalWORKs, Foster Care or Food Stamp files that may exist for the beneficiary. If copies of evidence of citizenship/identity are included in the CalWORKs, Foster Care or Food Stamp file, it may be acceptable for meeting the Medi-Cal requirements. Counties must accept this evidence for Medi-Cal if it is a document listed in Table 1 (and Table 2 if applicable), and was included in the CalWORKs, Foster Care or Food Stamp file. When reviewing county case files from other programs for acceptable evidence of citizenship and identity, copies of documents may be accepted by the county if the county believes that the procedure used by the agency initially accepting the documents ensures the documents are originals or certified copies. If documents are determined to contain inconsistent pre-existing information, are counterfeit, or altered, the matter should be referred to CDHS' Audits and Investigations.
 3. Attempt to reach the beneficiary by telephone to advise the beneficiary as to the need to obtain and present the required documentation.
 4. If the beneficiary fails to respond to the telephone contact or present the required documents, send "Proof of Citizenship or Identity Needed For Medi-Cal Applicants and Beneficiaries" (Enclosure 6) to the beneficiary that highlights the documentation being requested and informs the beneficiary to contact the county. The form shall be written in a simple, clear, consumer-friendly manner, and shall explain why the documentation is necessary.
 5. If the beneficiary fails to contact the county, the county shall make another attempt to reach the beneficiary by telephone to advise the beneficiary of the need to obtain and present the required documentation.
 6. Document in the case file any efforts made to contact and advise the beneficiary as to the need to obtain and present the required documentation.
 7. If a beneficiary fails to present the required documentation, and is not making a good faith effort to obtain it, the county shall send a 10-day NOA to indicate that the beneficiary's benefits are reduced to emergency, pregnancy and long-term care services.

To notify beneficiaries who fail to respond to the telephone contact, counties may use the following text:

"The purpose of this notice is to let you know that you must provide evidence of your United States (U.S.) citizenship/U.S. national status and identity if you want to continue to be eligible for full Medi-Cal benefits. Because of a new federal law, most people who claim they are a U.S. citizen or national and want Medi-Cal must provide proof of citizenship/nationality and identity. Because you have told us you are a U.S. citizen or

national, but we don't have evidence of your citizenship/identity in our file, you have to show it to us if you want to keep getting full Medi-Cal benefits.

If you have a U.S. passport, a Certificate of Naturalization (N-550 or N-570) or a Certificate of Citizenship (N-560 or N-561), that is all you need to show us. If you don't have one of those documents, there are many other documents you can provide (along with proof of identity) to prove you are a U.S. citizen or national. Your county social services office can give you more information about all of the documents that can prove citizenship and identity. If you don't already have one of the documents, you will be given time to get one and the county will assist you if you need help. Please contact the county right away so they know you are trying to give them proof of citizenship/identity. You will continue to be eligible for full Medi-Cal if the county knows you are trying to get proof of citizenship/identity and if you still meet the other eligibility requirements."

As soon as the required evidence is provided, complete the redetermination. Except as provided in this ACWDL, the process and procedures specified in ACWDL No. 06-16 dated May 10, 2006, and ACWDL No. 06-17 dated May 10, 2006, continue to apply

Note: there may be other case members whose citizenship is documented, therefore the redetermination should not be delayed. The only other alternative is to process the redetermination and follow SB87 steps for the person whose citizenship is not documented.

If a beneficiary is making a good faith effort to provide documentation of citizenship/identity, and all other eligibility requirements are met, complete the redetermination with no reduction in benefits and note the additional time the beneficiary needs to obtain the required documents. If the documents are not provided within the additional time needed to obtain them, contact the beneficiary to determine if he or she has received the documents or is still making a good faith effort to obtain the required documents.

If a beneficiary fails to provide acceptable citizenship/identity documentation and is not making a good faith effort to obtain them, a timely ten-day NOA must be sent. When a NOA is required to reduce eligibility from full Medi-Cal to limited benefits, all NOA and State hearing requirements apply. If a beneficiary is making a good faith effort to provide documents, the period of time for completing the necessary contacts and follow up to assist them must be extended.

Applications Received from the Single Point of Entry

When counties receive a joint Healthy Families/Medi-Cal application from the Single Point of Entry, the child has presumptive eligibility (accelerated enrollment), but the

citizenship/identity documentation must be provided during the county's determination of eligibility. Upon receipt of the joint application, the county must check MEDS to determine if there is a birth record match.

If the child was born in California, the child is under the age of 16, and there was a birth record match, no further documentation is required because the application, signed under penalty of perjury, constitutes attestation of the child's identity and the birth record match constitutes documentation of citizenship. If the child is 16 or older and there was a birth record match, the parent or guardian must provide documentation of the child's identity and signature on the application does not constitute attestation of the child's identity.

If the child was born in California and if there was not a MEDS match, the county must send the family information about the citizenship/identity requirements: "Proof of Citizenship and Identity New Requirements for Medi-Cal Applicants" (Enclosure 1A) and "Proof of Citizenship or Identity Requirements For Children Filling out the Healthy Families/Medi-Cal Joint Application" (Enclosure 10) and a request for additional information (Enclosure 4) to obtain information to seek a birth record match for documentation of citizenship. If the child was born in California and there was still no birth record match, the parent or guardian must provide documentation of citizenship for the child. For children under 16 years of age, the parent or guardian's signature on the application constitutes attestation of the child's identity. If the child is 16 or older and there was a birth record match, then the parent or guardian must provide documentation of the child's identity and the parent's or guardian's signature on the application does not constitute attestation of the child's identity.

If the child was not born in California, the county must send information about the citizenship/identity requirements (Enclosure 1A) (Enclosure 10) to the family and the parent or guardian must provide documentation of citizenship for the child. If the child is under 16 years of age, signature by the parent or guardian under penalty of perjury on the application constitutes attestation of identity for the child. If the child is 16 or older, then the parent or guardian of the child must provide documentation of identity for that child.

Federally Qualified Health Centers and Disproportionate Share Hospitals

Federally Qualified Health Centers, Disproportionate Share Hospitals and additional outstation locations as the Department may designate under 42 CFR 435.904(c)(3) who assist Medi-Cal applicants with the initial application process may view and copy original documents of citizenship and identity to be included, with the Document Declaration Form described below, in the Medi-Cal application information they

forward to the counties. The process for these outstation locations to follow when viewing original documents is:

- View and photocopy original or certified copies of the citizenship/identity information provided by the applicant.
- Complete and sign a separate copy of the Document Declaration Form (Enclosure 5) for each citizenship/identity document provided by the applicant.
- Attach a signed Document Declaration Form to a copy of each citizenship/identity document and transmit them to the county.
- Promptly return the original documents to the applicant.
- Provide the applicant with a copy of each Document Declaration Form that was forwarded to the county.

Counties are required to accept these documents and not require original documents.

Limited benefits for failure to meet evidence of citizenship/national status

Applicants who are otherwise eligible, but who fail to present evidence of citizenship/national status and identity after the reasonable opportunity period ends, must be granted eligibility that is limited to restricted Medi-Cal benefits (emergency, pregnancy and long term care benefits). The benefits for beneficiaries who are otherwise eligible, but who fail to present evidence of citizenship/national status and identity after the reasonable opportunity period ends, must be reduced to restricted Medi-Cal benefits (emergency, pregnancy and long term care benefits). In these situations, all NOA and State hearing requirements apply.

What if acceptable evidence is provided after restricted benefits are granted?

As explained above, if an applicant or beneficiary who claims to be a U.S. citizen or national fails to provide evidence of citizenship and/or identity as required by this letter, and is not making a good faith effort to provide the required documents, they are eligible for restricted scope Medi-Cal. If a U.S. citizen or national who is receiving restricted Medi-Cal without a break in aid, provides acceptable evidence of citizenship within one year of the date of application or redetermination, and had good cause for not providing the required documents, counties are to immediately grant full scope Medi-Cal back to the original application date (including up to 90 days of retroactive coverage from the date of application) or back to the month that restricted scope eligibility began (in cases where benefits are reduced from full to restricted for failing to provide acceptable documents).

An applicant or beneficiary who provides acceptable evidence of citizenship/identity after restricted Medi-Cal was granted had good cause for not providing it if it was not provided for reasons beyond the control of, or unknown to the applicant or beneficiary. Examples of good cause in these cases include but are not limited to:

- A prior belief that the documents did not exist or were unattainable.
- Mental or physical impairment that was an impediment to obtaining the documents.
- Securing the documents could result in physical danger or familial discord.
- A prior belief that restricted Medi-Cal would adequately serve the medical needs of the individual or the individual's family.

Evidence of citizenship documents submitted by individuals must be originals or certified

Except as noted above, all documents provided by individuals to meet the evidence of citizenship requirement (including identity documents) must be either originals or copies certified by the issuing agency. Uncertified copies or notarized copies may not be accepted, except as otherwise provided in this letter. After viewing the original documents, counties must note what documents are provided and maintain copies in the case record or keep an image of the original document in their data base. As explained below, counties must also submit information about the citizenship and identity evidence provided to MEDS via the updated AP 18 transaction or the new AP 19 transaction described below. Counties must complete a Document Declaration Form, attach the copy of the document (see Enclosure 5 for suggested format), and keep it in the case file. Copies of the evidence of citizenship/identity documents, or other acceptable proof that the requirement has been met, must be made available when requested by State or federal agencies.

Handling original documents

Counties must permit applicants and beneficiaries to submit original documentary evidence without appearing in person at a county office or on-site eligibility worker. Documents may also be submitted by a guardian or authorized representative of the individual.

If counties receive original citizenship or identity documents by mail, it will be important to exercise extreme care when handling them. Counties are encouraged to review their existing procedures for tracking the receipt and return of original documents to determine whether additional procedures are warranted.

Because most applicants and beneficiaries will not want to give up original documents, it is likely that counties will experience additional walk-in traffic from persons bringing in their original citizenship and identity documents. In order to handle original documents with the care that is required, we encourage counties to implement special procedures or set up special documents processing staff, if necessary, to ensure that original documents are reviewed, copied and returned as soon as possible. When original or certified copies of documents are brought to the county in person, copying documents while individuals are in the office is advised, so that the originals can be returned immediately.

Counties must use the Document Declaration form and keep it in the file with a copy of the original document. A copy of the declaration should be returned to the individual with the original document.

Evidence of citizenship obtained by mail

When an applicant or beneficiary provides photocopies of original citizenship or identity documents by mail, the county must review MEDS and county records to determine if the evidence of citizenship requirements have already been met. If not, contact the applicant or beneficiary and request original documents or copies certified by the issuing agency.

Document Declaration Form

Enclosure 5 is a Document Declaration Form that counties must complete and provide to applicants and beneficiaries as proof that they have provided acceptable documents as evidence of citizenship and identity. Counties must also maintain a signed copy of this form in the case file for each citizenship/identity document provided in accordance with this letter. A copy of a signed Document Declaration Form (even from another county) is acceptable evidence of citizenship/identity. When this form is provided as evidence of citizenship or identity, the county should take the steps necessary to ensure that MEDS includes the proper citizenship tracking information including the specific documents received, the county who originally viewed them and other required information.

Evidence of citizenship is only required once

Providing evidence of citizenship/identity is only required one time. Specifically, once the citizenship/ identity requirements are documented and recorded in the case file for a Medi-Cal beneficiary, counties must not request evidence of citizenship/identity status again, even when a new application or redetermination is submitted due to subsequent changes in eligibility or breaks in aid or if transferring to or applying in a new county.

When paper documents providing evidence of citizenship and identity are provided, the county must keep copies of these documents in the case file in addition to reporting the citizenship and identity documentation data to MEDS. The Department has modified MEDS to store information about evidence of citizenship and identity information that is based on an electronic match to state records or is provided by beneficiaries. For paper documents, MEDS will also show which county reported that they have copies of the documentation. If MEDS shows that the required evidence of citizenship and identity was provided at any time in the past, counties must not request it again. NOTE: documentation provided prior to July 1, 2006, must still meet all of the requirements described in this letter to be acceptable.

Using affidavits as evidence of citizenship

Affidavits may be used in circumstances where no other acceptable documentary evidence of citizenship is available. In order for an affidavit to be acceptable to establish citizenship, the following requirements must be met:

- No other evidence of citizenship can be obtained by the applicant or beneficiary.
- The affidavit(s) must be signed under penalty of perjury by at least two individuals who have personal knowledge of the event(s) establishing the applicant's or beneficiary's claim of citizenship.
- At least one of the individuals providing an affidavit must not be related to the applicant or beneficiary who is the subject of the affidavit.
- The individuals making the affidavit must provide proof of their own citizenship and identity.
- If the affidavits do not explain why other evidence is unavailable, an additional affidavit signed by the applicant or beneficiary or other knowledgeable individual which includes the information must be obtained.
- The applicant or beneficiary and the affiants must provide acceptable evidence of identity (see Table 2)

Using an affidavit as evidence of identity for children

As described in Table 2, an affidavit signed under penalty of perjury by a parent or guardian stating the date and place of birth of the child may be used to establish the identity of children who are under 16 years of age if no other acceptable evidence of identity is provided at the time of application or at redetermination. (See "Affidavit of Identity for a Child Under 16" (Enclosure 11) for suggested affidavit format.). A non-citizen parent may provide an affidavit for a child under 16. Please note that an affidavit may not be used to establish the identity of a child if an affidavit was used to establish the child's citizenship. Also, children born in the U.S. to foreign sovereigns or diplomatic

officers are not U.S. citizens. The following is a summary of the identity documentation for children:

- If the child is under 16 years of age, the parent or guardian may sign an affidavit as to the identity of the child. The signature on the application (MC 210 or MC 321), signed under penalty of perjury, stating the place and date of birth of a child under 16 years of age, serves as an affidavit to establish the identity of the child if no other acceptable evidence of identity is provided at the time of application.
- If the child is 16 or older, an affidavit is not acceptable to document the identity of the child because other acceptable forms of identification are available (such as a driver license with a photograph a school identification card with a photograph).

Documentation of Citizenship/Identity For CalWORKS Cases

While CalWORKs applicants declare that they are U.S. citizens or nationals (or eligible immigrants) to establish CalWORKs eligibility, the CalWORKs program will not always obtain the citizenship/identity documentation now required by Medi-Cal. Consequently, some CalWORKs recipients will be able to establish CalWORKS eligibility before they are able to provide acceptable evidence of citizenship/identity for Medi-Cal eligibility. If CalWORKS eligibility is established before an applicant has provided acceptable evidence of citizenship/identity for Medi-Cal eligibility purposes, CalWORKs eligibility will need to be established:

- Without Medi-Cal benefits for applicants until they provide evidence of citizenship and identity that is acceptable to the Medi-Cal program, or
- With restricted Medi-Cal if an applicant fails to provide evidence of citizenship and identity that is acceptable to the Medi-Cal program or stops making a good faith effort to obtain it

All of the requirements of this letter applicable to applicants and beneficiaries who must provide evidence of citizenship to establish Medi-Cal eligibility are applicable to CalWORKS applicants and beneficiaries who want Medi-Cal. The counties must check existing county CalWORKs case files for documentation of citizenship/identity to alleviate hardship to individuals who are required to provide documentation of citizenship/identity at the time of application and who are required to provide it at the time of redetermination. If the county already has acceptable evidence of citizenship and identity, (as described in this letter) in the CalWORKs file, then further documentary evidence is not required if the county can show that the procedure used by the county when the documents were provided ensures the documents are originals or certified copies.

To the extent that CalWORKs establishes CalWORKs eligibility for new applicants without the required documentation, the county cannot grant full-scope Medi-Cal eligibility until they have acceptable evidence of citizenship/identity for the Medi-Cal program. For beneficiaries already receiving full scope Medi-Cal and CalWORKs, CalWORKs/Medi-Cal redeterminations must ensure that required Medi-Cal documentation is in the file or obtained for the beneficiary.

For CalWORKs applicants who provide acceptable documentation of citizenship/identity (for the Medi-Cal program) during the application process but after CalWORKs is granted, counties must establish full-scope Medi-Cal eligibility back to the date of the CalWORKs application as soon as acceptable documentation of citizenship and identity (for Medi-Cal) is provided.

Personal Care Services Program (PCSP) and In-Home Supportive Services (IHSS) Plus Waiver Recipients

PCSP and IHSS+ Waiver services are Medi-Cal benefits and recipients of these services will also be subject to the citizenship/identity documentation requirements. Before discontinuing Medi-Cal eligibility of PCSP or IHSS Plus Waiver recipients, Medi-Cal eligibility workers must contact the appropriate IHSS county staff for documentation that may be in the IHSS case file relevant to citizenship eligibility requirements (as described in this ACWDL).

If IHSS case records include documents of citizenship or identity, those documents must be provided to the Medi-Cal eligibility worker. If the IHSS case file contains no documentation of citizenship or identity, the IHSS county staff person will inform the Medi-Cal eligibility worker, and the Medi-Cal eligibility worker will help the IHSS recipient obtain the required documentation, as required by this ACWDL. Only the Medi-Cal eligibility worker may document the case record and only county Medi-Cal staff may enter the appropriate codes into MEDS.

Please note: If a PCSP or an IHSS Plus Waiver beneficiary is receiving SSI and/or Medicare, the citizenship/identity requirements are not applicable, as described below.

Supplemental Security Income and Medicare beneficiaries

Persons receiving Medi-Cal based on eligibility for SSI and those who receive Medicare are exempt from the requirement to provide evidence of U.S. citizenship and identity. When a person loses SSI and eligibility is reviewed for Medi-Cal-only eligibility, evidence of citizenship/identity is not required for ongoing Medi-Cal only eligibility unless the termination was due to the client not being a citizen or eligible alien.

Using evidence of citizenship/national status from existing case files

Counties must check existing county case files for documentation of citizenship/identity to alleviate hardship to individuals who are required to provide documentation of citizenship/identity at the time of application and redetermination. If the county already has evidence of citizenship and identity on file that is acceptable to the Medi-Cal program as described in this letter, then further documentary evidence is not required. When reviewing county case files from other programs for acceptable evidence of citizenship and identity, copies of documents may be accepted by the county if the county can show that the procedure used by the agency initially accepting the documents ensures the documents are originals or certified copies.

Using a State birth record match as evidence of citizenship

CDHS has already run several automated birth record matches for Medi-Cal eligibles and applicants already known to MEDS using data from the Medi-Cal Eligibility Data System (MEDS), the Statewide Client Index and county systems. Clients for whom a matching birth record was found in one of these matches will not be required to provide evidence of citizenship since CDHS has confirmed the information electronically. At annual redetermination, the county will notify the beneficiary of the results of the birth record match. The county will indicate on the form "Proof of Citizenship or Identity Needed For Medi-Cal Applicants and Beneficiaries" (Enclosure 6) if citizenship information has been received and whether an identity or citizenship document is still required. Also, the county can inform the beneficiary that the birth record was not found and give the beneficiary the opportunity to complete the "Request for California Birth Record" (Enclosure 4).

CDHS has also implemented Medi-Cal Eligibility Data System (MEDS) changes so that counties can provide birth information and request an automated match against California birth records for clients who were born in California. When an automated birth record match is requested, counties will be notified via a MEDS alert whether an acceptable match is found or whether other evidence of citizenship is required. Documentation of an acceptable birth record match meets the evidence of citizenship requirement. Applicants or beneficiaries for whom a matching birth record is found are still required to provide an identity document to meet the evidence of identity requirement unless they are exempt from the citizenship/identity requirements..

Enclosure 4 ("Request for California Birth Record") is a camera-ready form that the counties must use at application or redetermination to obtain the data that is necessary for a valid birth record match when the current MEDS record does not show that the applicant or beneficiary has met the citizenship requirement. This form should be

included in application and redetermination packets when evidence of citizenship is required so that applicants and beneficiaries will have the opportunity to provide the necessary information. If it is not possible to include this form in the application or redetermination packet, send it to the applicant/beneficiary after the application/redetermination forms are received whenever a data match is needed. If an applicant or beneficiary does not provide all of the requested information, counties should still submit the request. The State will determine if there is sufficient information to obtain a valid match and notify the county of the results.

Mandatory data fields

Because it is essential that the four automated welfare systems obtain the data that is necessary to get a valid birth records match, the SAWS systems will need to be programmed to make the required data elements mandatory. The Department will work with the SAWS consortiums to identify these mandatory fields. Until the SAWS systems are updated, counties should include as much of this information requested on the "Request for California Birth Record" (Enclosure 4) as possible in the information that is entered into the automated welfare systems at application and/or redetermination. Until the systems are programmed to require the mandatory data, it will be especially important for the counties to collect birth name and birth place. This information will increase the number of valid birth record matches CDHS is able to obtain.

MEDS coding for citizens/nationals

NOTE: Until a long-term automated process can be implemented, counties shall implement the following interim process IMMEDIATELY to ensure the correct level of Medi-Cal benefits is established as determined by an individual's citizenship/identity verification status. The long term process will be sent to counties in a later ACWDL.

Appropriate Aid Codes and the Citizenship/Alien indicator (a.k.a. Refugee/Alien Indicator) codes must be used to report an individual's Medi-Cal benefits coverage and citizenship status to MEDS.

For otherwise-eligible U.S. citizens/nationals who were given a reasonable opportunity to provide evidence of citizenship/identity but who fail to provide it and who are not making a good faith effort to provide it, counties must:

- Report aid code 5W for all Cal WORKS or other cash aid-based Medi-Cal cases for restricted scope eligible citizens.

- Report the appropriate restricted scope aid code for emergency and pregnancy-related services based on the restricted scope Medi-Cal program the citizen is eligible to receive for Medi-Cal only persons or families. Examples are aid code 3V (for a person or family eligible under 1931(b)); aid codes 58 or 5F for a medically needy person or family.
- Report aid code 55 for restricted scope eligible citizens who need long-term care services for CalWORKS/cash-aid based Medi-Cal and Medi-Cal only (otherwise eligible citizens who fail to provide evidence of citizenship/identity should be placed directly into Aid Code 55 when they need long-term care), and
- Report a "B" in the Citizenship/Alien Indicator field (alleged U.S. citizen)

For eligible citizens/nationals who provide evidence of citizenship and identity:

- Use the appropriate full-scope or citizen pregnancy related services aid code
- Report an "A" in the Citizenship/Alien Indicator field (verified U.S. citizen)

NOTE: Because U.S. nationals are treated the same as citizens for Medi-Cal eligibility purposes, they should be coded as an "A" or a "B" as appropriate in the Citizenship/Alien indicator field. Counties must update MEDS to show the most current citizenship status if it has changed or is not currently reflected in MEDS.

MEDS changes to satisfy the citizenship/identity verification requirements

CDHS has already implemented MEDS changes so that counties can: 1) report information on citizenship and identity documentation provided by clients, 2) provide birth information, and 3) request an automated match against California birth records for clients who were born in California. A new AP19 Citizenship Status/Identity Verification transaction for online and batch reporting was developed to handle these new requirements. The AP19 online screen will also be accessible from the existing AP18 Pending Application screen. Detailed information on these changes was already provided to County MEDS Coordinators via the MEDS Change Cycle notification process.

The changes allow MEDS to show what information was provided as evidence of citizenship and identity and which County has copies of any paper documents used to satisfy the requirements. Counties are required to update MEDS at the time of application or redetermination with the appropriate information. The use of MEDS for this purpose is required to ensure that an applicant or beneficiary who provides evidence of citizenship and identity will not be required to provide it again in the future,

and to identify citizens who are receiving restricted Medi-Cal because they failed to meet the evidence of citizenship/identity requirements.

In addition, the federal government has advised the states that it will develop a process for verifying the citizenship of persons using tier three or tier four documentation of citizenship. Reporting of the citizenship/identity documentation data to MEDS will also allow CDHS to identify cases that may be subject to additional verification when this new federal system is in place.

U.S. citizenship for collectively naturalized individuals and persons born in Guam

See U.S. Citizenship for Collectively Naturalized Individuals (Enclosure 7).

Performance Standards

For performance standards, 90 percent of initial eligibility determinations must be completed within 45 days for persons not applying on the basis of disability and within 90 days for persons applying on the basis of disability. The county will have met the performance standards of 45 or 90 days if the county completed a determination of Medi-Cal eligibility, except for citizenship and identity documentation, by the 45 or 90 days.

For performance standards, 90 percent of the annual redeterminations shall be completed within 60 days of the recipient's annual redetermination date for those redeterminations based on forms that are complete and have been returned to the county by the recipient in a timely manner. An annual redetermination shall be determined completed for purposes of the performance standards if the redetermination is complete, except for the citizenship or identity documentation, within 60 days.

Outreach to Medi-Cal applicants and stakeholders

Counties must take steps to alert Medi-Cal applicants and beneficiaries as soon as possible about the requirement to provide acceptable documentary evidence of U.S. citizenship/identity upon application or redetermination and how to meet the requirements. CDHS will be mailing the "Changes in Medi-Cal Proof of Citizenship and Identity Requirements" (Enclosure 9) to all current Medi-Cal beneficiaries informing them of the new federal law. In order to inform Medi-Cal applicants and beneficiaries about acceptable documentary evidence of citizenship/identity under the new federal requirement, CDHS has developed an information notice for the counties use, "Acceptable Citizenship and Identity Documents (Enclosure 8). This notice provides

general information about the new requirement and is intended for anyone who wants information about the new requirement.

CDHS has also prepared the “Proof of Citizenship and Identity New Requirements for Medi-Cal Applicants” (Enclosure 1A) and the “Proof of Citizenship and Identity New Requirements for Medi-Cal Beneficiaries” (Enclosure 1B) that counties must provide to all applicants and beneficiaries to inform them of the new evidence of citizenship/identity requirements. This supplemental form provides detailed information about the new requirements and informs applicants and beneficiaries about the reasonable opportunity to provide documents and about their potential eligibility for restricted Medi-Cal services if they fail to provide evidence of citizenship/identity information.

Applicants and beneficiaries should also be provided with a copy of the “Request for California Birth Record” (Enclosure 4) so they are informed that a vital records match is available as a potential means of providing evidence of citizenship. Applicants and beneficiaries are not required to complete this form, but the requested information, if available, will increase the chances of obtaining a valid match.

CDHS is also preparing to implement a multifaceted outreach plan to notify current beneficiaries, new applicants, providers, health plans, stakeholders, and the public. CDHS’ outreach will include a variety of materials and outreach efforts including, but not limited to:

- Mailing information about the evidence of citizenship/identity requirement to all current Medi-Cal Beneficiaries, including non-citizens, SSI, and Medicare recipients (Enclosure 9). This notice will also advise non-citizens, SSI and Medicare recipients, persons requesting minor consent services, deemed infants, abandoned babies, and Title IV-E Foster Care and Title IV-E Adoption Assistance children that the new federal law does not apply to them.
- Implementing a supplemental notice to be included in application and annual redetermination packets (Enclosure 1A) (Enclosure 1B).
- Revising materials included in the application package, including the current publication “Medi-Cal - What It Means To You”.
- Providing a supplemental notice to applicants that their Medi-Cal/Healthy Families Joint Application has been referred to the county for Medi-Cal processing, “Proof of Citizenship or Identity Requirements For Children Filling out the Healthy Families/Medi-Cal Joint Application” (Enclosure 10).

- Providing a general information notice (Enclosure 8) for social service agencies to provide to potential applicants and other interested parties.
- Making fliers available regarding the new citizenship requirements, the reasonable time period, and children's requirements
- Making a poster available for social services offices to post in their waiting areas on the new citizenship/identity requirement.
- Revising CDHS' website to include information on the new evidence of citizenship/identity requirement.
- Providing information to providers about the new requirement.
- Coordinating with Managed Care plans for the disbursement of informing notices, fact sheets, and other information about the new requirement.

If you have any questions, please feel free to contact Mr. Steve Watson at (916) 552-9457.

Maria Enriquez, Chief
Medi-Cal Eligibility Branch

Enclosures

